

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Sean A. Gilmore,

Plaintiff,

v.

Case No. 1:18cv349

Doctor Eddy, *et al.*,

Judge Michael R. Barrett

Defendant.

ORDER

This matter is before the Court on the Report and Recommendation (“R&R”) filed by the Magistrate Judge on November 6, 2019 (Doc. 24).

Proper notice has been given to the parties under 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the Report and Recommendation in a timely manner. *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). No objections to the Magistrate Judge’s R&R (Doc. 24) have been filed.

Accordingly, it is **ORDERED** that the R&R (Doc. 24) of the Magistrate Judge is hereby **ADOPTED**. Consistent with the recommendation by the Magistrate Judge, this case is **DISMISSED** for plaintiff’s failure to pay the full filing fee as ordered by the Court. Plaintiff **SHALL BE ASSESSED** the full filing fee of \$400.00. The Clerk of Court is **DIRECTED** to mail a copy of this Order, along with a copy of the instructions for payment of a prisoner filing fee, to the Cashier of the Northeast Ohio Correctional Center in Youngstown, Ohio. The Cashier is directed to deduct, and forward to the Clerk of Court, 20% of the preceding month’s income credited to plaintiff’s account each

time the amount in the account exceeds \$10.00 until the full fee has been paid.

In addition, for the reasons set forth in the R&R (Doc. 24), the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith and thus plaintiff is denied leave to appeal *in forma pauperis*. See *McGore v. Wigglesworth*, 114 F.3d 601, 610–11 (6th Cir. 1997).

IT IS SO ORDERED.

/s/ Michael R. Barrett
Michael R. Barrett, Judge
United States District Court